

**BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS**

FINAL STATEMENT OF REASONS

HEARING DATE: None requested nor held.

SUBJECT MATTER OF PROPOSED REGULATIONS: Psychological Associate Registration

SECTIONS AFFECTED: Title 16, California Code of Regulations (CCR), Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, and 1392.1

UPDATED INFORMATION:

The Initial Statement of Reasons is included in the file and incorporated herein. The information contained therein is updated as follows:

This proposal was in the Notice Register on June 17, 2022. The 45-day comment period began on June 17, 2022, and ended on August 2, 2022.

No comments nor requests for hearing were received; no hearing was held.

The Board issued a Notice of Change to Underlying Data on September 13, 2022 to correct the materials and minutes therein. The 15-day comment period began on September 14, 2022 and ended on September 30, 2022. No comments were received. As updated from the Initial Statement of Reasons, the Underlying Data for this regulatory package is as follows:

- a. Background Paper for the California Board of Psychology March 2016
- b. February 2017 Board Meeting Materials
- c. February 2017 Board Meeting Minutes
- d. November 2018 Board Meeting Materials
- e. November 2018 Board Meeting Minutes

This list of the Underlying Data also reflects the removal of a reference to Board Meeting Minutes of February 9-10, 2018, that contained a typographical error. The reference meant to refer to the minutes from the Board meeting held February 9-10, 2017. The Board did not meet on February 9-10, 2018, and there are no minutes for any Board meeting held on those dates.

The Board adopted the text as noticed on November 18, 2022, at its noticed Board meeting. After approval by the Director of the Department of Consumer Affairs pursuant

to Business and Professions Code 313.1 and by the Secretary of the Business, Consumer Services, and Housing Agency, this rulemaking package was submitted to the Office of Administrative Law (OAL) on December 12, 2022, as OAL file number 2022-1212-03S.

During OAL review, it was noticed that changes to other Board regulations in 2022 affected the regulatory text and incorporated forms. The Board withdrew the regulation package and conducted an additional 15-day public notice period to ensure that no one was caught off-guard by the changed language, including fee change. The changes were described in an Explanation of Changes document, sent and posted with the modified text, and incorporated herein. No comments were received during this 15-day comment period. By the terms of the motion, the Board adopted the modified text as noticed on February 3, 2023.

As a further update to the Initial Statement of Reasons, the Board noted in the Notice of Modified Text that page 4 of 24 of the Initial Statement of Reasons incorrectly refers to regulation 1392.1 as 1292.1 which is an obvious typographical error in its context. Although no questions were brought to the Board's attention during any comment period or at any Board meeting, the Board wishes to transparently clarify the matter and thus provided that update to those who wished to be notified.

LOCAL MANDATE: A mandate is not imposed on local agencies or school districts.

SMALL BUSINESS IMPACT: The Board has determined that the proposed regulations will not affect small businesses.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No public comments were received during either the initial 45-day comment period or the 15-day comment period in connection with the Notice of Change to Underlying Data, and as a result no alternatives were provided or otherwise identified by the Board to carry out the purpose for which the regulation is proposed.

INCORPORATION BY REFERENCE:

The Board incorporates two forms

- Application for Registration as a Psychological Associate (PSB 100 (New 2021))

and

- Notification to Add or Change a Supervisor or Service Location for a Psychological Associate (PSB 101 (New 2021))

by reference. Incorporation is appropriate because both forms contain formatting that would not be publishable in the CCR and would be impractical to use without the formatting. The forms have been available from the Board through its website and on request during the comment period and will continue to be available.